

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *ag* D.C.
05 MAY 13 AM 10:17

ROBERT A. DETMOLD
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W.D. OF TN, MEMPHIS

MARTIN McCLAIN, individually,
and d/b/a MAC'S PLACE BAR &
GRILL,

Plaintiff,

v.

CITY OF MILLINGTON, TENNESSEE,
a municipal corporation,
TULLY REED, JERRY LADD,
TROY WALLS and MICHAEL WEST,
individually, and in their
official capacities as police
officers for the
City of Millington, Tennessee,

Defendants.

No. 04-2072 M1/V

ORDER SETTING ASIDE PORTION OF THE MAGISTRATE JUDGE'S MARCH 8,
2005, ORDER
AND
ORDER GRANTING PLAINTIFF'S MOTION TO AMEND COMPLAINT TO INCREASE
THE AD DAMNUM

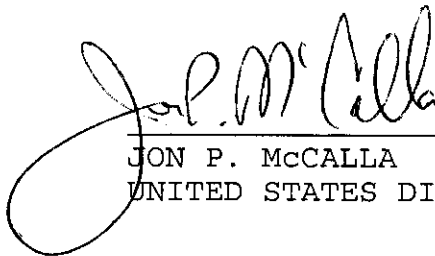
Before the Court is Plaintiff's appeal of a portion of the Magistrate Judge's March 8, 2005, Order Granting in Part and Denying in Part Plaintiff's Motion to Amend Scheduling Order, filed March 18, 2005.¹ Defendants responded in opposition on March 23, 2005. In particular, Plaintiff objects to the portion

¹ The Magistrate Judge treated Plaintiff's motion as a motion to file an amended complaint pursuant to Federal Rule of Civil Procedure 15(a).

of the Magistrate Judge's order denying Plaintiff's motion to amend his Complaint to increase the ad damnum from \$200,000 to \$500,000.

Under the Federal Rules of Civil Procedure, this Court may modify or set aside any portion of a magistrate judge's order on a nondispositive matter if it is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). Upon review of the parties' submissions as well as the Magistrate Judge's March 8, 2005, order, the Court finds that the portion of the Magistrate Judge's order denying Plaintiff's motion to amend his Complaint to increase the ad damnum from \$200,000 to \$500,000 was clearly erroneous. Accordingly, the Court SETS ASIDE that portion of the Magistrate Judge's March 8, 2005, order and GRANTS Plaintiff's motion to amend his Complaint to increase the ad damnum from \$200,000 to \$500,000.

So ORDERED this 12 day of May, 2005.



JON P. MCCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 35 in case 2:04-CV-02072 was distributed by fax, mail, or direct printing on May 18, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT